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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
WC-01-11-02.00

First named inventor: Akira Mashimo

Application No.: 10/082,128

Art Unit:

Filed: 2/26/02

Examiner:

Title: Optical Disk Device

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Check (fees) _____ (identify type of reply):

has been filed previously on _____

is enclosed herewith.

B. The issue fee of \$ _____ : 03/10/2004 AWONDAF1 00000009 10082128

has been paid previously on: 01 FC:1453

1330.00 OP

is enclosed herewith. 02 FC:1461

10.00 OP

10.00 OP
04 AKELLEY
08/2000 0009 10082128
-10.00 OP
00010 10082128

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment
03/10/2004
02 FC:1461
03/18/2004
01 FC:9998

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/8/04

Date



Signature

Telephone

Number: 202-415-1874Richard H. Lilleey

Typed or printed name

2000 South 2nd Street, Suite #12
AddressArlington, Virginia 22204
AddressEnclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Date_____
Signature_____
Type or printed name of person signing certificate



MAR 08 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/082,128	02/26/2002	Akira Mashimo	WC-01-11-02.00

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McIntyre-Lilley Intellectual Property
 Management Services
 Suite #12
 2000 South 2nd Street
 Arlington, VA 22204

MAR 10 2004

OFFICE OF PETITIONS

CONFIRMATION NO. 5393

ABANDONMENT/TERMINATION
LETTER

OC000000011457091

Date Mailed: 12/10/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/21/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,128	02/26/2002	Akira Mashimo	WC-01-11-02.00

CONFIRMATION NO. 5393
FORMALITIES LETTER


 OC000000007685455

McIntyre-Lilley Intellectual Property
 Management Services
 Suite #12
 2000 South 2nd Street
 Arlington, VA 22204

**RECEIVED**

MAR 10 2004

Date Mailed: 03/21/2002

OFFICE OF PETITIONS**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 870.

*A copy of this notice **MUST** be returned with the reply.*

Z. Alvarez

Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/10/2004 AWONDAF1 00000009 10082128

03 FC:1001
 04 FC:1051

770.00 DP
 130.00 DP



IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Akira MASHIMO

RECEIVED

Application No.: 10/082,128

MAR 10 2004

Group:

Filed: February 26, 2002

OFFICE OF PETITIONS Examiner:

Entitled: OPTICAL DISK DEVICE

REPLY UNDER 37 C.F.R. 1.53(b)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Missing Parts of Non-provisional Application. Applicants respectfully submit the required fees for papers associated with application filing.

It is believed that a full and complete response has been made, such that the present application is in condition for publication and prosecution.

In the event there are any outstanding matters remaining in this application the Examiner is invited to contact the below identified Applicant representative in the Washington, D.C. area to discuss these matters.

Respectfully submitted,

McIntyre-Lilley Intellectual Property
Management Services

By Richard M. Lilley, 3/8/04
Richard Lilley (Reg. #42,803)

2000 South 2nd Street, Suite 12
Arlington, Virginia 22204
(202) 415-1874



IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Akira MASHIMO
Application No.: 10/082,128 Group:
Filed: February 26, 2002 Examiner:
Entitled: OPTICAL DISK DEVICE

REPLY UNDER 37 C.F.R. 1.53(b)
Recordation of Assignment

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Missing Parts of Non-provisional Application. Applicants respectfully submit the required fees for papers associated with the filing of the Recordation of Assignment papers.

It is believed that a full and complete response has been made, such that the present application is in condition for publication and prosecution.

In the event there are any outstanding matters remaining in this application the Examiner is invited to contact the below identified Applicant representative in the Washington, D.C. area to discuss these matters.

Respectfully submitted,

McIntyre-Lilley Intellectual Property
Management Services

By Richard Lilley 3/8/04
Richard Lilley (Reg. #42,803)

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